Social Questions

BULLETIN

of the Methodist Federation for Social Service (unofficial), an organization which rejects the method of the struggle for profit as the economic base for society; which seeks to replace it with social-economic planning in order to develop a society without class distinctions and privileges.

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Democratic Rights in War Time

"The Constitution of the United States is a law for rulers and people, equally in war and in peace, and covers with the same shield of its protection all classes of men, at all times, and under all circumstances." This Supreme Court dictum, delivered first in the famous Milligan case 73 years ago and recalled to circulation on the lips of Attorney General Frank Murphy, not over two months ago, is a great bulwark to the civil liberties insured by the Constitution and its amendments. But as emotions tighten under the influence of the European war, the struggle to maintain liberty in America is going to be increasingly uphill.

Regardless of any legal assurances, the fact remains that civil liberties in time of war are much more imperilled than when nations are at peace. The hysteria produced in the process of taking sides unfits man for the reasonable conduct of his life upon which liberty depends. It is the purpose of this survey to review the history of American liberties in war time, to appraise the present status in the battle between the forces of freedom and the forces which would suppress freedom, and, finally to lay out the area in this struggle in which the church and its ministry can serve most effectively.

THE BACKGROUND

The American republic was founded as a great liberal undertaking. Its tradition of common law dates back to 1635, the first significant contribution of America to world jurisprudence, the famous John Peter Zenger case, which defended the right of a man to print his opinions without governmental interference. The ideas of John Milton, John Locke, Tom Paine and the great liberals are the bulwark of our tradition. The Revolutionary War was scarcely finished, and the Bill of Rights dry upon the law-books of the land, when the Alien and Sedition Acts were enacted against certain foreign editors who were parading "un-American" ideas too loudly in the young republic. More significant than the passage of these acts, however, was their repeal. Citizenship in this republic assured certain basic rights to men, and the tradition began to normalize itself; criticism of the government, far from being seditious, was considered healthy and constructive.

The war between the states, as all wars do, intensified political emotions, and there were important abridgements of individual freedom. Lincoln suspended the right of habeas corpus. There were a number of cases of military censorship, the padlocking of the *Chicago Times* and the *New York World,* for example. Mail privileges were curtailed for "seditious" material. Out of the war came those amendments, however, which have afforded some protection to minorities, and also the famous "due-process" clause which has been so ambiguously interpreted through the courts. While it has been used in recent years more to protect the property rights of certain classes against those of other classes, it is still not an item of law which one would want to give up.

RIGHTS AND THE LAST WAR

It is the World War that sheds the most light on our contemporary situation. When war was declared in 1914, and all during its first months, a fairly open debate was maintained in America on the relative merits of the two sides in the struggle. As the years passed, however, sympathy began to crystallize in favor of England, and pro-German remarks were treated as more and more seditious. Even before we were at war, there were patriots who broke out in furious assault against those who disagreed with them.

A wave of sabotage and espionage directed fear and hatred against the Germans and anti-war elements in the population, and by 1917 we were at war. Within four months the Espionage Act was passed. It makes illegal false statements interfering with military operations or promoting the success of our enemies, causing or attempting to cause insubordination, disloyalty, mutiny or refusal of duty in the military forces, obstruction of enlistment and recruiting. The Selective Service Act of May, 1917, was already in operation and the conscientious objectors were beginning to appear.

The courts interpreted the Espionage Act somewhat leniently (what else could they do with the Bill of Rights before them?) and in May, 1918, the Sedition Act was passed as an amendment to the 1917 bill. It further illegalized interference with the sale of government bonds, uttering, printing, writing or publishing any disloyal language against the form of government of the United States, or the Constitution, or the flag, or the uniform, or language inciting resistance to the United States or promoting the cause of its enemies, urging curtailment of production, advocating, teaching, defending or suggesting the doing of any of these acts, and finally being the author of words or acts which favor any country at war with the United States. It was the first time we had had a Sedition Act since early in the preceding century, and it was made a carte blanche for the Attorney General to wage a relentless campaign against internal enemies, who were more often critics of the entire social system than they were supporters of the enemy abroad.

Pacific School of Religion

Casual utterances criticizing President Wilson were greeted with long prison sentences. Children were thrown into jail as public spectacles. For Mrs. Stokes's utterance, "I am for the people and the government is for the profiteers," she was given a ten-year sentence. Creel's committee spoke for the government, whipped up pro-war enthusiasm and censored information at the source. A band of Christian pacifists in Los Angeles were assailed in the midst of their prayers by police, who justified their attack on the grounds that the pacifists were plotting to overthrow the government.

THE AFTERMATH

Although the amendment defining sedition was repealed following the war, the Espionage Act still stands. There were over 200 prosecutions during the war under the Act, and they carried over into the post-armistice years with unabated fury. Attorney General Palmer carried the cudgel well down into the 1920s.

In twenty-one months after September, 1920, 85 persons were lynched by mobs, 51 persons were tarred and feathered, 127 persons were flogged, about 450 persons were forcibly deported from local centers by mobs. Most of these individuals were aliens and social radicals, and most of the incitement was in the hands of the Ku Klux Klan and the American Legion. Such opinions as this from the Secretary of State for Massachusetts were typical: "If I had my way I would take them (the reds) out in the yard every morning and shoot them, and the next day I would have a trial to see whether they were guilty."

The right of individual conscience was severely tested during the World War and the years just following. The Service Act of 1917 exempted only members of long-standing sects, but it appeared that there were more objectors than in these small groups. A year of stalling went on until the next year when President Wilson declared certain definitions of conscientious objection and recognized both religious and political conscience in the matter. The accepted treatment of the objector was to offer him non-combatant service, and in most cases this sufficed. In June, 1918, the President's Board of Inquiry was set up to go over the list of objectors who were at that time being detained. Three thousand cases were examined, and all but 504 of them were accepted as sincere objectors and assigned to farm furlough or reconstruction work with the Friends in France. The 504 were the absolute pacifists who refused to make any deal with the military. They were remanded for court-martial and all but one were found guilty. A handful had their sentences changed but the remaining 450 went to prison. Seventeen of them were sentenced to death, and while these sentences were later commuted, the fact stands that conscientious objection was treated as a capital offense. Imprisonment was an ordeal of agony and humiliation; the C.O.s were beaten, prodded with bayonets, immersed in filthy latrines, held for 45 minutes under cold showers, fed only bread and water, taunted, kept in solitary confinement, according to statements entered in the *Congressional Record* by the Hon. William E. Mason in 1919.

THE PRESENT SITUATION

The serious curtailment of civil liberties attendant upon the United States' participation in the European war of 1914-1918 has never been entirely restored. The anti-red hysteria which is increasing today is rooted in the witch hunts of the war and post-war years.

The most striking fact about the status of civil liberties today is the rapid development of anti-liberal forces so early in the game. Basic rights are being attacked even before war has been declared. Undermining of freedom of speech, the press, the radio, the ballot has gone forward much more rapidly during the last few months than it did for the corresponding months prior to 1917. The comparative ease with which the public has allowed its rights to be attacked is, of course, to be attributed to the experiences before and after the last war.

The outstanding single force in the attack on civil rights is the House Committee for Investigating Un-American Activities, headed by Martin Dies. The newspapers of the country have betrayed a partisan interest in keeping Dies' antics before the public, and there is at present no adequate opposition to the granting of new funds for his work at the next session of Congress. Dies is an anti-New Dealer, probably a front for the Garner forces, and his bravado is simply a cover for a decidedly Tory disposition within the Democratic party. His principal job has been to keep himself before the public eye, snipe at so-called "un-American" activities, make no effort to prove anything, but imply much. He has raided offices in Chicago and Washington, taken records illegally, and published lists. The latter strategy has been called by Arthur Garfield Hays an effort to charge "people with guilt by association, whereas it is fundamental to our institutions that guilt is individual and personal."

There are only two ways to beat the Dies Committee. One is to create a body of public opinion which will not countenance his blasphemy of American liberties. That is an arduous task and one that rests squarely upon an institution like the church. The immediate action needed in the Dies situation would be an open rebuke from the President, a call for action against Dies on grounds of constitutionality, and the diverting of funds from his Committee to the Department of Justice, whose work it is to expose treasonable acts and prosecute them.

The Dies challenge to civil liberties, of course, has its chief support in the anti-Semitic organizations which are appearing in every part of the country. It has been estimated that there are 800 such organizations in the country and that one out of every three persons is subject to their propaganda. There are Joseph E. McWilliams and his Christian Mobilizers, George Deatherage of the Knights of the White Camellia, Father Coughlin and *Social Justice,* General Moseley, the Rev. Gerald L. K. Smith, Frank Norris, William Dudley Pelley and his Silver Shirts, Fritz Kuhn and the German-American Bund, and Gerald B. Winrod of Kansas. A politician like Senator Reynolds of North Carolina is their spokesman in Washington. This is not an exhaustive list. The tying up of anti-red with anti-Jewish propaganda is evident even in some Methodist pulpits.

SIGNIFICANT EVENTS

Final curtailment of civil liberties will not take place without the government's and the army's help. A few alarming signs appear in this regard. Military men are filtering into key organizing positions in Washington;

for instance, the appointment of Colonel Philip Fleming as Wages and Hours administrator. The super-colossal army and navy bills will probably be passed with little debate. Business appeasement, particularly appeasement of the munitioneers, undoubtedly figured in the lifting of the arms embargo. "Already budgets are being cut, taxes eased for big enterprise, labor-protective legislation repealed, new labor-smashing laws introduced, strikes met with repression, educational expenditures whittled away, alien-baiting and red-baiting measures passed," said Max Lerner in the *Nation* (Nov. 4). Under an ambiguous, unprecedented assumption of powers for a "limited emergency" President Roosevelt has increased the size of the regular army and the National Guard and doubled their drill. A War Resources Board was created for a brief span, and at its head the leading steel executive of the country. Police surveillance has become more alert in every city. Commissioner Valentine in New York admitted in a recent interview that secret plans had been drawn for policing in the event of war. The Department of Justice has put on 150 new spy hunters, and despite Attorney General Murphy's denials, it is possible for a bona fide spy hunt to degenerate into a witch hunt. There are 950 G-men in service today. Key men in local police forces have been trained for special handling of spies. The *New York Times* wrote on Sept. 30, in a dispatch from Washington, "The aid of private citizens in supplying information to the proper authorities has been encouraged by officials, and a careful checkup is made on information received." A volunteer in New York City offered to organize 2,000 spy hunters to work with the F.B.I. The Boston police chief announced recently that the Massachusetts Police Chiefs Association had decided to arm 30,000 "minute men" to assist the police in "any local emergency arising out of the war or political or industrial conditions." The President can take over the operation of the radio under declaration of emergency; he now has this power under the Communications Act of 1934. Pennsylvania has ruled that aliens must register and a virtual passport system has been set up for them, but the courts have held the law invalid. Gag bills and anti-alien bills are pending in Washington and in many state capitals.

The government has brought charges against Earl Browder for an offense which Attorney General Murphy has admitted was known long ago, an offense which is no longer punishable under the statute of limitations and has to be prosecuted under a technicality. Because of these charges, Browder has been barred from speaking at Harvard University. William Z. Foster's appearance in Detroit resulted in a riot with organized head-smashing, blessed by the preacher, Frank Norris. Criminal syndicalism laws exist in many states; an arraignment was brought in Iowa recently under the charge, "inciting to revolt against the state of Iowa and the United States." The same charge is still holding Sentner, a C.I.O. organizer, as a consequence of the Maytag strike of 1938. Through the American Legion, a new ordinance was recently passed in Barton, Florida, banning "anti-American meetings and literature." Proposals to dissolve unpopular groups, such as the Bund and the Communist party, will no doubt be introduced into Congress and state legislatures soon. Communist candidates were barred for technicalities in the November election in New York. The 29th Division, A.E.F., in a recent convention called for legislation to outlaw the Communist party.

The War Department is charting its course to the most minute detail. The right to conscientious objection will be given only to those sects which demand a pacifist declaration as a condition of membership. This will disbar even the Quakers. Compulsory military drill is being threatened at the University of Wisconsin, where voluntary drill has been the rule since 1923.

The May bill (industrial mobilization, so-called) will be revived, labor will be virtually conscripted, the protections of the Walsh-Healy Act, the Wagner Act, the Norris-LaGuardia Act will be suspended by decree—all of this the minute that war is declared. The tremendous setback to labor which would come about through a declaration of war makes war highly desirable to some classes. Representative Byrd and Senator Burke are pledged to amend the National Labor Relations Act immediately after January. It is being hinted that organized labor will make its pact with the War Department's industrial mobilization bill in event of war.

The Akron radio station WJW recently barred the United Rubber Workers from paid time on the air, but were forced to cancel the ban and reinstate the program. The National Protective League has been formed in Ohio among industrialists, promises $500 reward for information leading to the arrest and conviction of spies and saboteurs, $25 if no conviction. This looks as if it is a direct bribe of $25 for squealers on labor organizers. An American Legion post in New York received $250,000 from an anonymous donor recently to be used in tracking down spies and saboteurs.

DUTY OF THE CHURCH

The wheels are moving for a concentrated assault on civil liberties and the campaign is much farther along than it was at a corresponding time during the last war. Only a terrific counter-campaign will stem the tide. There are a number of protections which the citizenry has today which it did not have in 1917: a new body of court decisions, labor legislation and the pressure of extra-governmental agencies which are alert to the problems in this area, agencies like the American Civil Liberties Union.

The only sure victory in this struggle for civil liberties will be achieved through a deep-rooted conversion of the public mind. Our democracy stands so long as we who defend it as the best political ideal yet known to man are vigilant in guarding it. Democracy must be our goal and our method for reaching the goal. Of all institutions, the church is eminently fitted for establishing this ethical base upon which democracy stands. The pulpit must be alert to every anti-democratic force which appears on the horizon, must spot it and must expose it for what it is. The ministry and the church must call for expansion of human liberties to all classes here at home, must defend the right of conscientious judgment. In short, it is the duty of the church in this hour to creat an awareness of human values so strong in its people that any move which threatens to cut off human liberties will be received with such horror and universal disapproval that it cannot possibly succeed.

RICHARD T. BAKER.

The Soviet Union

Your Executive Committee has just passed by mail vote (19 to 2) the following resolution proposed by your secretaries:

"In view of our support of an embargo on all war supplies, loans and credits to Japan, until its invasion of China is ended, according to the referendum vote of our members last spring, and the recent action of our Executive Committee, resolved: That we accompany this demand for an embargo upon Japan with a demand for a similar embargo upon the Soviet Union."

We are now obligated to prevent this action from being used by those who are stirring up emotions against the Soviet Union which would make the American people an easy victim of those who desire to draw us into an international combination to make war upon that government.

This obligation requires us, in my judgment, to oppose attempts to break off diplomatic relations, or to associate our government with others in condemnation of the Soviet Union, or in actions of the League of Nations, because our government did neither of these things in regard to the invasions of Abyssinia, Spain, Czechoslovakia, or Albania. To do either of these now would, therefore, brand the Soviet Union as more guilty than the Fascist Powers, and would tend to incite particular animosity against that government.

H. F. W.

Our War-Time Program

Recommendations (in part) for the ensuing year adopted by the Federation's Executive Committee, at its Annual Meeting in New York City on Nov. 20th.

A. Foreign Issues

1. Help keep the United States out of war by constantly informing our members of evasions of, and attempts to break down, the present restrictions upon war trade and travel in the Neutrality Act, and the facts about the nature of this war and the participants' aims, as they are unfolded.
2. Help create popular demand for our nation to exert its influence towards securing a conference of all interested nations to arrange a democratic peace.
3. Call for aid for the war victims.
4. Support anti-war profiteering legislation.
5. Work for the maintenance of the section in the Methodist Social Creed concerning conscientious objectors.

B. Domestic Issues

1. Arouse our people to protect all our citizens from the war-time attack upon them, and to circulate a petition to the House of Representatives calling for the refusal of Congressman Dies' request for an extension of the term of his committee, and asking instead for a presidential commission composed of fact-finding experts to secure and make known the facts concerning political propaganda of foreign origin.
2. Maintain civil liberties, including workers' rights.
3. Combat race prejudice, anti-Semitism and the Christian Front Movement.
4. Call for more adequate direct relief for the unemployable and the unemployed, and for more W.P.A. jobs at increased wages.

Save These Dates

January 23, 24, 25. National Emergency Conference at Cleveland, Ohio. Called by our Federation and the United Christian Council for Democracy (the organization that unites us with the Episcopal Church L.I.D. and the other unofficial social action groups of the Presbyterian, Evangelical, Baptist and Unitarian Churches).

Conference purpose: "To express the voice of the Christian Religion concerning the war and its relation to the life and future of the American people."

Speakers: Bishop Francis J. McConnell, Professor Reinhold Niebuhr, Dr. Harry F. Ward, Rev. William Spofford of the Episcopal C. L. I. D., Rev. Charles C. Webber, Bishop Beverly D. Tucker of the Protestant Episcopal Church of Ohio, and other nationally known men and women.

Program: Tuesday, Jan. 23, 10:00 A.M. to 12:30 P.M. Registration, Euclid Avenue Baptist Church, 1926 East 18th St., Cleveland; 12:30 P.M. - 2:00 P.M. Buffet luncheon (Price 50c). Chairman, Mr. William F. Cochran, Pres. U. C. C. D.; 2 - 5 P.M. National Conference of the M. F. S. S., Bishop McConnell presiding, and conferences of the other denominational groups; 8:30 - 10:30 P.M. Mass Meeting. Chairman, Bishop Beverly D. Tucker. Outstanding speakers.

Wed., Jan. 24, 9:30 A.M. - 12:00 and 2 - 5 P.M. Meetings of Commission I on "The Christian Religion and War and Peace," and of Commission II on "The Christian Religion and Democratic Rights;" 6:30 - 9:30 P.M. U. C. C. D. Dinner (Price 70c). Speakers: Bishop McConnell, Prof. Niebuhr and Dr. Ward.

Thurs., Jan. 25, 9:30 A.M. - 12. Group discussions of findings of Commissions I and II; 2 - 5 P.M. National Conference of the M. F. S. S. and conferences of the other denominational groups.

Write for further details. Plan to attend! Bring an automobile load of your friends!

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